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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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**INSTRUCTURE, INC.**, a Delaware  
corporation,  
  
Plaintiff/Counterclaim-Defendant,  
  
vs.  
  
**CANVAS TECHNOLOGIES, INC.**, a  
Delaware corporation, ,  
  
Defendant/Counterclaim-Plaintiff.

**PLAINTIFF’S NOTICE OF  
SUPPLEMENTAL EVIDENCE  
RELEVANT TO PLAINTIFF’S  
PRELIMINARY INJUNCTION  
MOTION**

Civil No. 2:21-cv-00454-DAK-CMR  
  
Judge Dale A. Kimball  
  
Magistrate Judge Cecilia M. Romero

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Plaintiff/Counterclaim-Defendant Instructure, Inc. (“Instructure”), by and through counsel, hereby provides notice of supplemental evidence that did not exist until after all pleadings related to Instructure’s preliminary injunction motion had been filed. Instructure filed its preliminary injunction motion on August 17, 2021, as ECF 13. Instructure filed its reply in support of its preliminary injunction motion on September 17, 2021, as ECF 38.

The supplemental evidence consists of consumer comments posted on social media on October 12, 2021, evidencing consumer confusion between Instructure's use of its CANVAS marks and Defendant Canvas Technologies, Inc.'s rebrand to CANVAS. In these consumer comments, attached hereto as Exhibit 1, one consumer states that Canvas Technologies, Inc. "need[s] a name change! I keep getting confused between Canvas for your diversity needs and Canvas for your instructors/educational needs." In response, another consumer stated: "100% - everyone I discussed this with in the space said the same thing. Why would you rename your company with a name that already has traction in the Edtech space. So dumb." *See* Exhibit 1 at 1. This supplemental evidence is relevant to the argument on page 16 of Instructure's preliminary injunction motion regarding evidence of confusion, among other things. *See* ECF 13 at 16.

DATED this 16th day of November, 2021.

DORSEY & WHITNEY LLP

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 16th day of November, 2021, a true and correct copy of the foregoing document was served on counsel of record via the Court's ECF system:

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